

Tuesday, February 19, 2002

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

**PRESENT:** Supervisors Harry L. Ovitt, Peg Pinard, K.H. ‘Katcho’ Achadjian, Michael P. Ryan and Chairperson Shirley Bianchi

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.**

**SUM            AGN**

1            \_\_\_\_\_A-1    **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES:**            Supervisors Ryan, Achadjian, Ovitt, Pinard, and Chairperson Bianchi  
**NOES:**            None  
**ABSENT:**        None

**RESOLUTION NO. 2002-60, resolution proclaiming February 19, 2002 through March 31, 2002 as San Luis Obispo County Spay Day Promotion - 2002 and February 26, 2002 as “Spay Day USA 2002”, adopted.**

**Supervisor Pinard:** reads the resolution and presents the same to Mr. Eric Anderson, Animal Services Manager.

**Mr. Anderson:** thanks the Board for acknowledging the importance of Spay Day; speaks to the decline in euthanasia and describes the voucher program; indicates without the support of the Board and the different animal organizations, Animal Services would not be as successful as they are today.

**Supervisor Pinard:** thanks the different animal organizations in the County for all their hard work.

2            A-2            **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES:**            Supervisors Ryan, Achadjian, Ovitt, Pinard, and Chairperson Bianchi  
**NOES:**            None  
**ABSENT:**        None

**RESOLUTION NO. 2002-61, resolution proclaiming February, 2002 as “Scouting Anniversary Month” in San Luis Obispo County, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Ms. Laurie Tomarra.

**Ms. Tomarra:** assures the Board the Scouting program is alive and well; indicates they are celebrating their 97<sup>th</sup> anniversary and the program continues to grow; thanks the Board for the recognition.

3            A-3            **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES:**            Supervisors Ryan, Achadjian, Ovitt, Pinard, and Chairperson Bianchi  
**NOES:**            None  
**ABSENT:**        None

**RESOLUTION NO. 2002-62, resolution proclaiming the celebration of the memories of music with “Vinyl Record Day” on Monday, August 12, 2002 in San Luis Obispo, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Mr. Gary Freiberg.

**Mr. Freiberg:** states San Luis Obispo County is the first County in the country to stop and

remember the good times by celebrating “Vinyl Record Day”; indicates they are in the early planning stages for the August 17, 2002 event.

4 A-4 **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES: Supervisors Ryan, Achadjian, Ovitt, Pinard, and Chairperson Bianchi**

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2002-63, proclamation of the County of San Luis Obispo proclaiming February 17-23, 2002 as “National Engineers Week”, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Ms. Christine Ferrera, Public Works.

**Mr. Noel King:** Public Works Director, thanks the Board for the resolution.

**Ms. Ferrera:** indicates on behalf of the Public Works’ staff she would like to thank the Board for recognizing National Engineers Week; addresses the contributions made by engineers.

5 BPC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

**Ms. Peggy Wilson:** speaks to “Spay Day USA 2002; thanks the Board for their support; addresses Item B-11 and thanks the Board for their financial support. **No action taken.**

6 B-1 Consent Agenda Items B-3, B-5, and B-7 are amended directing the Clerk to give notice of the hearing not the Director of Public Works. Item B-14 is withdrawn for separate action.

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**

**AYES: Supervisors Ryan, Ovitt, Pinard, Achadjian, and Chairperson Bianchi**

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-33 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-33, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening and hearing:

B-1 Plans and specifications (Clerk’s File) for replacement of cell door operators for “A” and “B” decks of the Sheriff’s Main Jail, **Approved and the Clerk is instructed to give notice of hearing date set for March 21, 2002 at 3:00 p.m..**

B-2 **RESOLUTION NO. 2002-64,** intention to annex Tract 2299 to the San Luis Obispo County Flood Control and Water Conservation District Zone 16 for the purpose of drainage basin maintenance; 4th District, **Adopted and the Clerk is instructed to give notice of hearing date set for April 23, 2002 at 9:00 a.m..**

B-3 Request to authorize assessment proceedings for Tract 2299 for the purpose of drainage basin maintenance; 4th District, **Approved as amended and the Clerk is instructed to give notice of hearing date set for April 9, 2002 at 9:00 a.m..**

B-4 **RESOLUTION NO. 2002-65,** intention to annex Tract 2346 to the San Luis Obispo County Flood Control and Water Conservation District Zone 16 for the purpose of drainage basin maintenance; 4th District, **Adopted and the Clerk is instructed to give notice of hearing date set for April 23, 2002 at 9:00 a.m..**

B-5 Request to authorize assessment proceedings for Tract 2346 for the purpose of drainage

basin maintenance; 4th District, **Approved as amended and the Clerk is instructed to give notice of hearing date set for April 9, 2002 at 9:00 a.m..**

B-6 **RESOLUTION NO. 2002-66**, intention to annex Tract 2409 to the San Luis Obispo County Flood Control and Water Conservation District Zone 16 for the purpose of drainage basin maintenance; 4th District, **Adopted and the Clerk is instructed to give notice of hearing date set for April 23, 2002 at 9:00 a.m..**

B-7 Request to authorize assessment proceedings for Tract 2409 for the purpose of drainage basin maintenance; 4th District, **Approved as amended and the Clerk is instructed to give notice of hearing date set for April 9, 2002 at 9:00 a.m..**

Auditor-Controller Items:

B-8 Rate increase of 2.23% for the South County Sanitary Services Inc., effective April 1, 2002, **Approved.**

B-9 Contracts with Fulbright & Jaworski, and Public Financial Management, Inc., to provide bond counsel and financial advisory services for the finance of the new government center, **Approved.**

B-10 Unannounced cash count of the Clerk-Recorder's Office conducted on January 25, 2002, **Received and Filed.**

Board of Supervisors Items:

B-11 Allocation of \$1,500 from District Four Community Project Funds, to the Oceano/Halcyon Advisory Group to be used to hold monthly public advisory meetings, **Approved.**

B-12 **RESOLUTION NO. 2002-67 AND 2002-68**, commending C Company, 1-160 and A Company, 1-184 Infantry Battalions, **Adopted.**

General Services Items:

B-13 Joint use agreement with the City of San Luis Obispo for the improvement and use of softball fields at El Chorro Regional Park, **Approved.**

B-14 Contract with GSI Soils, Inc., to provide construction testing services for the new downtown government office building, **Withdrawn for separate action.**

Personnel Items:

B-15 Discrimination and Harassment Prevention Program 2001 Annual Report, **Received and Filed.**

B-16 Request to deny the Union of American Physicians and Dentists' petition for exclusive representation, **Approved.**

Planning Items:

B-17 Agreement (Clerk's File) with the Morro Group, Inc., to prepare an Environmental Impact Report for the AT&T San Luis Obispo to Los Angeles Cable Project; 3rd and 4th Districts, **Approved.**

B-18 Amended agreement (Clerk's File) with the Morro Group, Inc., to prepare an Environmental Impact Report for the Busick Tract Map; 4th District, **Approved.**

B-19 Proposed mitigated Negative Declaration for the Geneseo Road Crossing repair project; 1st District, **Approved.**

B-20 Proposed mitigated Negative Declaration for the Mill Road at Dry Creek Crossing repair project; 1st District, **Approved.**

B-21 Proposed mitigated Negative Declaration for the Penman Springs Road at Huer-Huero Creek Crossing repair project; 1st District, **Approved.**

- B-22 **RESOLUTION NO. 2002-69**, approving an agreement with Andrew Fetyko, Inc., exempting an affordable residential project located in the community of Shandon from the Growth Management Ordinance; 1st District, **Adopted**.

Public Works Items:

- B-23 Contract with the San Miguel Community Services District to provide water and wastewater analyses for the San Miguel Community Services District, **Approved**.
- B-24 Amended agreement with John L. Wallace and Associates to provide design services for the State Water Project Local Facilities Improvements for the Mens Colony increasing the contract by \$13,000; 2nd District, **Approved**.
- B-25 **RESOLUTION NO. 2002-70**, accepting conveyance from Dennis Ball for the widening of Neal Springs Road; 1st District, **Adopted**.
- B-26 **RESOLUTION NO. 2002-71**, authorizing execution of a notice of completion for the paving of various county roads; 1st, 2nd and 4th Districts, **Adopted**.
- B-27 **RESOLUTION NO. 2002-72**, authorizing execution of a notice of completion for the reconstruction of a traffic signal at Vineyard Drive and Main Street in the community of Templeton; 1st District, **Adopted**.
- B-28 **RESOLUTION NO. 2002-73**, accepting road improvements on Brighton Lane, Cambria and Burkhill Lane, Arroyo Grande; 2nd and 4th Districts, **Adopted**.
- B-29 The following maps:
- A. CO 00-0288, a proposed subdivision resulting in 2 lots, by James and Cathleen Trask, located on Aloma Way, Nipomo Mesa; 4th District, **Approved**.
  - B. CO 99-0211, a proposed subdivision resulting in 2 lots by Mark and Nancy Svennungsen, located on Mesa View Drive, Arroyo Grande, **Approved** and **RESOLUTION NO. 2002-74**, accepting a pedestrian/equestrian trail into the County's trail system; 4th District, **Adopted**.

Other Items:

- B-30 Agreement with the State Department of Finance to continue receiving funding under the State-County Property Tax Administration Program, **Approved**.
- B-31 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment, **Approved** and **RESOLUTION NO. 2002-75**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 5 to the Cambria Community Services District (East West Ranch), **Adopted**.
- B-32 **RESOLUTION NO. 2002-76**, to permit the destruction or disposal of certain Sheriff's Department records, documents and papers, **Adopted**.
- B-33 **RESOLUTION NO. 2002-77**, authorizing the Chief Probation Officer to submit an application to the State Board of Corrections to construct an expansion of the Juvenile Hall resulting in the addition of forty maximum security beds, **Adopted**.
- 7 B-14 Contract with GSI Soils, Inc., to provide construction testing services for the new downtown government office building, is presented.

**Supervisor Pinard:** states she has changed her position relating to the new government building; indicates she agrees with the concept however, feels the building is not being designed to serve the public; states until this attitude changes she will not support the new building.

**Supervisor Ryan:** states the Board voted 4 to 1 to move forward with the new government building; indicating he was the one that voted "no"; states he will now vote in favor of this item because he has made his views known and the majority of the Board wants to move forward so he will vote as part of the team.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:**

**AYES: Supervisors Ovitt, Ryan, Achadjian, and Chairperson Bianchi**  
**NOES: Supervisor Pinard**  
**ABSENT: None**

**the Board approves a contract with GSI Soils, Inc. in the amount of \$165,046 for construction testing services for the New County Government Center, P5302.**

8 C-1 This is the time set for hearing to consider a resolution calling for a special tax election within the proposed Ground Squirrel Hollow Community Services District for the purposes of financing road improvement and maintenance services.

**Mr. Jim Grant:** Administration Office, presents the staff report and recommendation.

**Supervisor Ovitt:** states the election will take place on May 21, 2002, with the results being available no later than May 22, 2002; questions the date that results will be available because the election is a mail out-ballot, with Mr. Grant responding.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:**

**AYES: Supervisors Ovitt, Ryan, Pinard, Achadjian, and Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2002-78, mailed ballot election Ground Squirrel Hollow Community Services District - resolution calling for a special election in the proposed Ground Squirrel Hollow Community Services District for the purpose of submitting to the voters of the proposed district a measure for imposition of a special tax for road improvement and maintenance services, adopted.**

9 C-2 This is the time set for hearing to consider the formation of a zone within County Services Area #21 for road improvements and a resolution proposing the adoption of a special tax for Emerson Road in the community of Cambria; 2nd District.

**Mr. George Gibson:** Public Works, presents the staff report and recommendation.

**Mr. D.W. Polusko:** states he is in support of the project and is willing to pay the extra tax.

**Mr. Terry Wahlberg:** indicates he is here to support the project and to solicit the Board's support.

**Mr. Dave Bannister:** states he is present today to voice his support of the project.

**Mr. Richard Hawley:** states Greenspace Cambria Land Trust owns three lots on Emerson and they want to make sure these lots are retired from assessment.

**Mr. Gibson:** states retired lots affect both Emerson and Pineridge; indicates these lots can have a deed restriction put on them and staff has the ability to recognize the restriction; states the election is to vote for the tax rate that is set on the properties annually.

**Board Members:** discuss various issues, comments and concerns regarding: a time limit on the recording of the deed restriction; the value of the deed restricted property; the relief of assessment on the retired properties, with Mr. Gibson responding.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**

**AYES: Supervisors Ryan, Ovitt, Pinard, Achadjian, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2002-79, resolution creating the Emerson Road Road Improvement Zone within San Luis Obispo County Service Area No. 21, adopted.**

10 C-2 Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:

**AYES:** Supervisors Ryan, Ovitt, Pinard, Achadjian, Chairperson Bianchi  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2002-80, Mail-Ballot Election - County Service Area No. 21, Emerson Road Road Improvement Zone - a resolution calling for a special election in the Emerson Road Road Improvement Zone of County Service Area No. 21 of San Luis Obispo County for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.**

11 C-3 This is the time set for hearing to consider the formation of a zone within County Services Area #21 for road improvements and a resolution proposing the adoption of a special tax for Pineridge Drive in the community of Cambria; 2nd District.

**Mr. George Gibson:** Public Works, presents the staff report and recommendation; hands the Board a memorandum dated 2-19-2002 including additional direction with respect to the benefit assessment; states the benefit assessment is based on an equal distribution of project costs to all of the benefitting parcels within the improvement zone.

**Mr. Galen Rathbun:** states he hopes the Board will give Greenspace enough time to retire their lots.

**Mr. Richard Hawley:** Executive Director of Greenspace, states he's looking for assurance from the Board that if negotiations go through for these lots and they are retired that they will not be assessed.

**Mr. Greg Stone:** states he is the organizer for the paving of Pineridge; indicates he is in support of the retired lots and the neighbors are willing to cover their cost benefit; urges the Board to vote in favor of this project.

**Chairperson Bianchi:** questions what documents Public Works needs to show that the retirement of these lots is moving forward, with Mr. Gibson responding.

**(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)**

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES:** Supervisors Ryan, Achadjian, Pinard, Chairperson Bianchi  
**NOES:** None  
**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2002-81, resolution creating the Pineridge Drive Road Improvement Zone within San Luis Obispo County Service Area No. 21, adopted.**

12 C-3 Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and on the following roll call vote:

**AYES:** Supervisors Ryan, Achadjian, Pinard, Chairperson Bianchi  
**NOES:** None  
**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2002-82, Mail-Ballot Election - County Service Area No. 21, Pineridge Drive Road Improvement Zone - A resolution calling for a Special Election in the Pineridge Drive Road Improvement Zone of County Service Area No. 21 of San Luis Obispo County for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.**

**(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)**

**(SUPERVISOR PEG PINARD IS NOW ABSENT.)**

13 C-4 This is the time set for hearing to consider the formation of a zone within County Services

Area #21 for road improvements and a resolution proposing the adoption of a special tax for Roscoe Place in the community of Cambria; 2nd District.

**Mr. George Gibson:** presents the staff report and recommendation.

**(SUPERVISOR PEG PINARD IS NOW PRESENT.)**

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan and on the following roll call vote:**

**AYES: Supervisors Achadjian, Ryan, Ovitt, Pinard, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2002-83, resolution creating the Roscoe Place Road Improvement Zone within San Luis Obispo County Service Area No. 21, adopted.**

14 C-4 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan and on the following roll call vote:**

**AYES: Supervisors Achadjian, Ryan, Ovitt, Pinard, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2002-84, Mail-Ballot Election - County Service Area No. 21, Roscoe Place Road Improvement Zone - a resolution calling for a Special Election in the Roscoe Place Road Improvement Zone of County Service Area No. 21 of San Luis Obispo County for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.**

15 C-5 This is the time set for hearing to consider an ordinance calling for a special tax election in County Service Area No. 9, Zone 1 (East of Los Osos Creek) for emergency fire and medical response services; 2nd District.

**Ms. Mick Terra:** Public Works, presents the staff report and recommendation.

**No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**

**AYES: Supervisors Ryan, Ovitt, Pinard, Achadjian, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2959, an ordinance calling for a Special Election in County Service Area No. 9, Zone 1, of San Luis Obispo County for the purpose of submitting to the voters of the zone a proposition for imposition of a special tax for Emergency Fire and Medical Response Services, adopted.**

16 C-6 This is the time set for hearing to consider the creation of a capital project to install a cogeneration system at the Courthouse.

**Mr. Duane Leib:** General Services Director, presents the staff report; explains what a cogeneration system is; addresses the estimated cost and savings of this system.

**Mr. Jeff Wagner and Mr. Allen Crosby:** Encompass Energy Solutions, present a power point presentation explaining how the system works.

**Supervisor Achadjian:** questions how long this equipment has been on the market, what the life expectancy is and what kind of maintenance will be required, with Mr. Wagner responding.

**Supervisor Pinard:** questions the total amount of the project; asks if the projection of savings is based on current use; feels the current use of energy in the government building is not very efficient; believes there are no "real numbers" to justify expenditures; questions the background of Encompass Energy Solutions and asks if they are related to Encompass

Energy Solutions of San Diego and if they are affiliated with Enron, with staff, Mr. Wagner, and Mr. Crosby responding.

**Mr. Bob Botta:** General Services, indicates this Company has done two projects in the past for the County, one of which won an award for using 8% less energy; states the County can be counted as satisfied customers of Encompass.

**Supervisor Ryan:** states the \$543,000 has been dedicated to the new building already and the \$500,000 is coming from unanticipated revenues possibly coming from PG&E and Southern California Gas; questions the Productivity Investment Fund.

**Mr. Jim Grant:** states the Productivity Investment Fund was set up approximately ten years ago to allow departments to come in and borrow these monies for set projects that generate savings with the understanding these funds would be paid back within a three to five year period; indicates the fund has only been used once or twice in the past; the idea is to use the fund for this project and zero out the fund, thereby having the Productivity Investment Fund go away.

**Supervisor Pinard:** states she will not support this item; feels there are a lot of unanswered questions and a lack of information.

**A motion by Supervisor Ovitt to approve the Capitol Projects request by General Services, is discussed.**

**Supervisor Ovitt:** states Administration has reviewed this project and agrees with the savings; indicates a lot of this equipment will need to be replaced soon; asks for the Board's support.

**Supervisor Achadjian:** seconds the motion.

**Supervisor Ryan:** feels this money is being spent in an efficient manner; believes this is a good project and would like to see it move forward.

**Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES:** Supervisor Ovitt, Achadjian, Ryan, Chairperson Bianchi  
**NOES:** Supervisor Pinard  
**ABSENT:** None

**the Board creates a new Capital Project, Courthouse - Install Cogeneration System, P5381 and approves \$543,000 from Construction New Government Center, P5302; \$500,000 from Unanticipated Revenues; \$164,171 from the Productivity Investment Fund; and \$1,298,829 from Building Facilities Reserves, to new Capital Project, Courthouse - Install Cogeneration System, P5381.**

17 C-7 This is the time set for hearing to consider an appeal by Douglas Barth on behalf of James Hill of the Subdivision Review Board's decision to deny the request to divide an existing 171.72 acre parcel into two parcels, located east of the community of Templeton; 1st District.

**Mr. John Busselle:** Planning, presents the staff report; describes the location of the property and addresses the appeal issues; states the property is in an Agricultural Preserve; the Subdivision Review Board (SRB) found that the project did not meet the requirements of County Land Use Ordinance 22.04.024(c), which provides criteria for creation of new parcels when the parent parcel is in an Agricultural Preserve; the applicants have appealed this decision and are requesting a division consistent with the minimum parcel size set forth in the Agricultural Preserve contract, which is 80 acres; states staff feels there is not enough evidence to approve the project and recommends the Board uphold the decision of the SRB and deny the appeal.

**Board Members:** discuss various issues comments and concerns regarding: the Agricultural Preserve Contract; soil types and their capability; if this split would allow for additional homes, with staff responding.

**Mr. Doug Barth:** states he was appointed by the Court to process this application for the



two families; describes the size of the properties in the area; states the Ag preserve contract will remain on the property; indicates currently the property is not viable as a dry farm operation; states the property will be more viable as smaller parcels; indicates they are not trying to create additional density in the area; the applicants are trying to divide a piece of property between two families and allow them to individually manage their own properties.

**Mr. Tom Vaughan:** addresses the soil types; states there is adequate water on the property; addresses the other Ag preserve contracts in the area; urges the Board to uphold the appeal and have staff return to the Board with a Negative Declaration.

**Chairperson Bianchi:** questions the shared use of the well, with Mr. Barth responding.

**Mr. Dave Righetti:** asks the Board to either deny the appeal or structure their decision so that it won't be precedent setting; indicates a neighbor of theirs is looking to split their property and is appealing to the Board; feels in his neighborhood a parcel breakdown would not be good for agriculture.

**Mr. Barth:** indicates this appeal is different from the one Mr. Righetti describes because the surrounding parcels are smaller.

**Supervisor Achadjian:** questions where the authority lies regarding the split of the property, the court or the Board of Supervisors, with Mr. Jim Orton, Deputy County Counsel responding.

**A motion by Supervisor Ovitt, seconded by Supervisor Ryan to tentatively uphold the appeal and return to the Board for approval including the Negative Declaration with limitations to one primary residence per unit, is discussed.**

**Mr. James Lindholm:** County Counsel, indicates the appropriate language would be to include an Environmental Determination not a Negative Declaration.

**Supervisor Ovitt:** questions if language could be placed in the findings indicating this is based on a 80 acre minimum parcel size within the contract and is not setting precedent, with Mr. Lindholm responding.

**Supervisor Ovitt:** feels the viability of this land is not going to change whether it's 170 acres or 80 acres, however believes the smaller parcel would make it financially feasible to put in a more intensive crop.

**Supervisor Ryan:** questions when this item should return to the Board.

**Mr. Busselle:** asks Supervisor Ovitt to include in his motion to direct staff not to require the Ag Viability Report, with Supervisors Ovitt and Ryan agreeing to add that to the motion.

**Supervisor Ovitt:** indicates he would like this hearing continued to May 7, 2002, with Supervisor Ryan agreeing.

**Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:**

**AYES:** Supervisors Ovitt, Ryan, Achadjian  
**NOES:** Supervisors Pinard and Chairperson Bianchi  
**ABSENT:** None

**the Board tentatively upholds the appeal and directs staff to return to the Board on May 7, 2002 for final approval including the Environmental Determination with limitations to one primary residence per unit and directs staff not to require the Ag Viability Report.**

18 CS **Thereafter, motion by Supervisor Ovitt, seconded by Supervisor Ryan to add 8) *Save the Mesa vs. The County of San Luis Obispo* to Closed Session fails with Supervisor Pinard casting a dissenting vote. The Board announces it will be going into Closed Session regarding:**

**I. PENDING LITIGATION (Gov. Code, § 54956.9.)** It is the intention of the Board to

meet in Closed Session concerning the following items:

**A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a.) (Formally initiated)** 1. *In re PG&E*, 2. *Mulholland v. County of San Luis Obispo*, 3. *SMART v. County of San Luis Obispo*. **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** 6. *Brown vs. County of San Luis Obispo*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** 4. *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5. *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

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**ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)**

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**II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8)** It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: 7. property description: *Property between Mission Street and N Street and between 11<sup>th</sup> Street and 14<sup>th</sup> Street, San Miguel*. Parties with whom negotiating : *Ted Stenstrom, Union Pacific Railroad*; Instructions to negotiator will concern: *Price, Terms and Conditions*.

**Chairperson Bianchi:** opens the floor to public comment without response.

Thereafter, the Board goes into Open Public Session.

**(SUPERVISOR PEG PINARD IS NOW ABSENT.)**

19 PC This is the time set for members of the public wishing to address the Board on items not set on the Agenda.

**Mr. David Broadwater:** presents the Board with a letter regarding Sewage Sludge Land Application and highlights the same.

**(SUPERVISOR PEG PINARD IS NOW PRESENT.)**

**Mr. Toby Buffalo Sacher:** states he's a public access producer and indicates they are never censored or charged dues by Charter Communications; commends Charter.

**Ms. Marsha Butler:** ECOSLO, thanks the Board for the funding given to ECOSLO and the Agriculture Department to print a handout relating to pesticides.

**Mr. Lester Goldfisher:** addresses the firing of the pediatricians; indicates this is going to court; feels there was collusive activity on the part of Mr. Hood.

**Mr. Brad Brown:** clarifies that there is no requirement to be in the organization SLO Public Access in order to be on public access television and there are no dues; indicates Charter will allow the use of facilities and equipment to anyone in the County; addresses the staffing changes at Charter Communication.

**Ms. Ann Ream:** Arts Council, addresses the great partnership the Arts Council has with the County; indicates the Agriculture Department's brochure features the artwork of Ms. Carol Paulsen, a local artist.

**Mr. Richard Greek:** Ag Commissioner, highlights the Alternative Pest Control brochure; introduces Kathy Darling of his staff and thanks her for her work on this project; states they are committed to alternative pest control.

**Ms. Sara Horne:** President of League of Women Voters, invites the public to two educational forums: 1) Pros and Cons of Measure A being held Wednesday, February 20, 2002 at the Morro Bay Community Center from 7-9 p.m. and, 2) 7 candidates for Judge will be held Thursday, February 21, 2002 at the Board of Supervisor Chambers from 7-9 p.m..

**Mr. George Layman:** addresses the make-up of the Nipomo Advisory Board; feels the

members have their own agenda.

**Mr. Michael Passarelli:** SLO Food Bank Coalition, states the North County Warehouse is almost finished; indicates the South County site is open for business and food is available; addresses financing from the City of San Luis Obispo. **No action taken.**

20 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report is required because no final action was taken and the Board goes into Open Public Session.

21 D-1 This is the time set for consideration of the annual report on County roads program status and review of expenditure policy.

**Mr. Glen Priddy:** Assistant Public Works Director, presents the staff report; indicates staff is looking for policy direction from the Board; states they have turned in the budget for the upcoming year (2002-2003); addresses the goal of the roads program and its funding; the programs these monies support include: 1) Maintenance, 2) Pavement Management, 3) Bridge Replacement, 4) Traffic Operations, 5) Transportation Planning, and, 6) Capital Improvement; addresses expenditure priorities which include: 1) maintenance, 2) safety improvements, and 3) betterments and highlights each; speaks to the road crews and the areas they handle.

**Mr. Dave Flynn:** Public Works Department, addresses the Pavement Management Program which is to minimize future costs by protecting paved surfaces; presents a graph showing the pavement management performance results and goals; addresses the Bridge Replacement Program indicating the goal is to replace one bridge per year; speaks to the Safety Program, how it works and its funding sources; presents a graph relating to traffic safety performance results and goals; indicates the third priority is "Betterments" which is to improve the use, capacity and operations of the road system; addresses the funding for this program.

**Mr. Priddy:** addresses Other Administration Policies which includes: 1) level of maintenance, 2) accepting roads into the system, 3) abandoning roads, 4) landscape funding; indicates staff requests the Board confirm the existing policies as shown in Attachment 5 in the staff report dated 2-19-02.

**Board Members:** discuss various issues, comments and concerns regarding: more money being given to roads by the passage of Proposition 42; the priority in which the bridges are replaced; collecting money from companies who damage County roads; the use of new technology with regards to roads, with staff responding.

**Mr. Noel King:** Public Works Director, indicates in the last fee ordinance a new, more extensive fee for road cuts was implemented; states because of a legal challenge that has occurred outside the County, the Public Works Department has been advised by Counsel not to charge the fee; states there is now a five year rule in place when it comes to road cuts.

**Mr. Eric Greening:** feels the most appropriate funding source for the roads is the gasoline tax; indicates there is an issue coming to SLOCOG relating to a shortfall in the Regional Transportation Improvement Program; feels maintenance projects are more time sensitive than others.

**Mr. George Layman:** states the roads are being torn up by the utilities; indicates there are roads on the Mesa with grass growing in them; believes the road impact fees were supposed to be used within five years of collection.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, and the Board receives the staff report and confirms the current Roads Expenditure Policy included as "Attachment 5" in the staff report dated 2-19-02.**

22 F-1 This is the time set for consideration of a request by the Leadership Team to provide funding for the San Luis Obispo County Affordable Housing Trust Fund.

**Mr. Dana Lilley:** Planning, introduces the item.

**Ms. Anita Robinson:** Mission Community Bank, states she is here as the Chair of the Leadership Team for the Housing Trust Fund; addresses the lack of affordable housing in the County and a report done by Mr. Lilley with suggestions to enhance financial feasibility for new affordable housing with one way being through a contribution to the proposed Affordable Housing Trust Fund; indicates they are here today to ask the Board to support the Housing Trust Fund; presents statistics to show the lack of affordable housing and those who are affected by it; addresses the economic impact in the County; feels the Housing Trust Fund is the solution; it is a funding source that will fill a gap; addresses the proposed contribution levels, the benefits, and goals of this fund; speaks to the activities that the trust fund would include; outlines how the fund will be managed; discusses the makeup of the Commission; presents photos of affordable projects that have been done in the County.

**Ms. Mary Brooks:** discusses her work throughout the State to develop housing trust funds; states they would like to see affordable housing as something the County believes is important enough to commit dedicated public funds; hands the Board a three page document regarding California Housing Trust Funds and highlights some important facts.

**Mr. Bill Watkins:** Executive Director of UCSB Economic Forecast Project, addresses the impact of high housing costs on economic growth.

**Mr. Bill Coy:** addresses the effects of the lack of affordable housing on farming.

**Mr. John Linn:** Economic Advisory Committee, states his concerns regarding the affordable housing shortage for the working class; feels the trust fund has viability and hopes the Board will devote tax funds to solving the housing dilemma; believes zoning should be changed to allow for construction of rentals and entry level residences.

**Mr. John Barnhart:** Office of Education, addresses the many applicants lost due to the high cost of housing and the entry level pay for a teacher; speaks to the decreasing enrollment of primary age children due to the lack of affordable housing.

**Ms. Robinson:** states they are here today to ask the Board to support the establishment of the Trust Fund and approve the funding of the County's contribution of \$1.6 million.

**Board Members:** discuss various issues, comments and concerns regarding: identifying what people will be served; the proposed number of units being proposed for San Luis Obispo compared to other counties; the track record of other Affordable Housing Trust Funds; is this Fund going to be used as a tool or a solution within itself, with Ms. Robinson responding.

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m..**

**Mr. Roxanne Carr:** Mortgage House, states her concerns for all housing needs.

**Ms. Lorraine Duenez:** Latino Outreach Council, expresses firm support for the proposed Housing Trust Fund; states as of 2-4-02 there were 1,468 qualifying San Luis Obispo County residents on the waiting list for Section 8 housing and the minimum hourly wage needed to support a family of one adult and two children in San Luis Obispo County is \$16.37; urges the Board's consideration.

**Ms. Janna Nichols:** United Way, states her concern for the lack of housing inventory; indicates 31% of their funding goes to food and emergency housing; urges the Board to help make this happen.

**Ms. Lorie Adoff:** San Luis Obispo Ministerial Association, urges the Board's support regarding affordable housing.

**Ms. Sharon Fuller:** addresses the lack of homes for developmentally disabled adult; believes this issue should be a priority and urges the Board's support for the trust fund.

**Ms. Rae Belle Gambs:** addresses the lack of homes for the mentally ill; states these people end up on the streets and in the criminal justice system where it is very costly and not where they belong to begin with; urges the Board to support the trust fund.

**Ms. Colleen McLean:** Area Agency on Aging (AAA), feels that the elderly are among the

most vulnerable; they want to be independent and most live off Social Security; urges the Board to endorse the trust fund.

**Ms. Marianne Kennedy:** asks the Board to support the trust fund.

**Ms. Donna Phillips:** urges the Board to consider the words spoken in the presentation.

**Ms. Yolanda Castillo:** indicates she owns a home in Pennsylvania that she would love to sell and move here permanently however, due to the cost of homes in the County she can't afford it; states the trust fund sounds like a wonderful idea.

**Ms. Dee Krogh:** states two-thirds of her income goes to making her house payment; feels the key to success of the consumer is housing; recommends the Board support this initiative.

**Mr. Ken Pyburn:** Habitat for Humanity, states he supports the trust fund; indicates they had forty-seven applicants for a single home; hopes the Board does not emulate Ventura County.

**Ms. Lillian Judd:** Economic Opportunity Commission, believes the Board knows the need for housing, the question is finding the resources; hopes the Board has the courage to turn the housing crisis around.

**Mr. Jim Vaillancourt:** Executive Director for Casa Salono, indicates they work with their clients to repair damage and provide recovery only to find they have a housing problem; urges the Board's support.

**Ms. Eileen Allan:** indicates she agrees with all the speakers and urges the Board's support.

**Ms. Biz Steinberg:** Economic Opportunity Commission (EOC), states the EOC Board of Directors supports the development and funding of the housing trust fund; this item comes to the Board as a very well thought out and researched proposal; hopes this will be a regional model; states they are here to help in anyway they can.

**Mr. Michael Passarelli:** Food Bank Coalition, states they are in support of this trust fund; indicates there is a definite link between housing and hunger; states this proposal is not the only answer but is an element that could make something positive happen.

**Ms. Edie Kahn:** Executive Director AIDS Support Network, states they support the housing trust fund; indicates they would like to provide stable housing so that their clients can stabilize their health.

**Ms. Jeanette Duncan:** states the Board could set policies identifying and prioritizing who will be served; addresses the limited resources coming from the State and Federal Government and indicates local funds that come with each application garner more points.

**Board Members:** discuss various issues, comments and concerns regarding: Board representation on the committee; getting houses built where they need it; mechanisms needed to circumvent growth management; directing Administration to show in this year's budget if and where they can come up with funds for a pilot project; affordable housing being exempt from the Growth Management Ordinance; having Administration prepare a report and bring it back prior to the budget on funding mechanisms and outside funding sources; the impact Cal Poly students have on housing; zoning needs to allow for affordable housing.

**A motion by Supervisor Ryan indicating support of the Housing Trust Fund and directing staff to come back with a report to the Board as to where and how funding can be implemented for a pilot project, is discussed.**

**Supervisor Ovitt:** states he will second the motion if the report includes the seven other mechanisms brought up by the Economic Advisory Committee; feels the trust fund would not handle it all.

**Supervisor Ryan:** agrees to add Supervisor Ovitt's language to his motion and Supervisor Ovitt seconds the motion.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board indicates they are in support of the Housing Trust Fund and directs staff to come back with a report to the Board as to where and how funding can be implemented for a pilot project and includes in that report the investigation of alternative mechanisms.**

23 E-1 This is the time set for consideration of a status report and grant results for the California Coastal Commission's Periodic Review of the Local Coastal Program.

**Mr. John Euphrat:** Planning, presents the staff report; indicates there are three points he would like to add to the staff report: 1) AB 640 is no longer an issue, it's been taken off by the author of the Bill; 2) the first phase of the Periodic Review has been completed and was funded by a \$80,000 grant from the State; 3) the next phase involves working with the community to update the Local Coastal Plan to implement only the Periodic Review recommendations that the Board concurs with; indicates the State has provided funding for the second phase; states staff will be reporting back in July.

**Board Members:** discuss various issues, comments and concerns regarding: adopting and implementing ordinances relating to the Ag and Open Space Element; moving ahead with recommendations that are agreed on; viability of agriculture, with Mr. Euphrat responding.

**No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried the Board directs staff to move forward and process recommendations of the Periodic Review specifically the ones that have been agreed on while putting a priority on the Agricultural issues and ordinances that need to be implemented for the Ag and Open Space Element.**

23 C-8 This is the time set for hearing to consider appeals by Karl Wittstrom and Santa Margarita Area Residents Together (SMART) of the Subdivision Review Board's approval of a lot line adjustment/development plan for the construction of roads and 36 residences, located on Norte Road east of Highway 101, adjacent to the community of Garden Farms; 5th District.

**Ms. Kami Griffin:** Planning, indicates the Appellant has requested a continuance.

**Mr. Steve Crandall:** Attorney representing the Appellant, states they are requesting a continuance because they are in discussions with the Ranch owners and feel they are working on productive ground.

**Mr. Doug Filipponi:** indicates he would agree to a one week continuance.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and unanimously carried the Board continues this hearing to February 26, 2002 at 9:00 a.m.**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, February 19, 2002, 2002, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L. RODEWALD**, County Clerk-Recorder  
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Cherie Aispuro,  
Deputy Clerk-Recorder

DATED: 02/22/2002  
cla

